

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59401 of 2023

Arising Out of PS. Case No.-254 Year-2023 Thana- BARHARIA District- Siwan

Abhishek Manjhi @ Nirahu @ Nirhu Manjhi S/O Indrashan Manjhi R/O
Village- Paharpur, P.S- Barhariya, Distt.- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 18-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Barhariya P.S. Case No. 254 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018. He has got no criminal antecedent.

3. Learned counsel for the petitioner submits that the informant got secret information regarding storage of illicit liquor in the field by the petitioner. The informant reached at the given place where one person on seeing the police vehicle started fleeing and managed to escape. The informant recovered 30 liters of Mahua liquor from the field.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. It is submitted that the alleged recovery of liquor is said to have been made from an open field which cannot be said to be in exclusive possession of the petitioner.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the submission that the alleged illicit liquor has been recovered from an open agricultural and cultivable field which is said to be that of the petitioner but access to the said field is open to all and under these circumstances, it cannot be said that recovery is from exclusive possession of the petitioner and he has otherwise no criminal antecedent, hence, this Court directs that in case of his arrest or surrender within a period of six weeks from today, the petitioner above named be released on bail in connection with Barhariya P.S. Case No. 254 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Excise Court I, Siwan, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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